

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

WILLIAM OSCAR HARRIS,)	
)	
Petitioner,)	
)	
vs.)	Cause No. 2:12-cv-308-JMS-MJD
)	
JOHN C. OLIVER,)	
)	
Respondent.)	

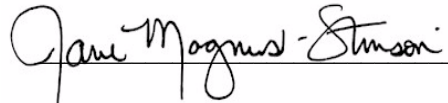
Entry Concerning Selected Matters

The Court, having considered the above action and the matters which are pending, makes the following rulings:

1. Final judgment has not been entered in this action. The petitioner's appeal of the order of September 18, 2013, is frivolous and not taken in good faith. *Goyal v. Gas Technology Institute*, 2013 WL 5648056,*2 (7th Cir. 2013) ("An appeal can be frivolous when the result is obvious or when the appellant's argument is wholly without merit.") (internal quotation omitted). The petitioner's request to proceed on appeal *in forma pauperis* [dkt 40] is therefore **denied**.

2. The third motion to stay proceedings is based on the contention that the dispute here is subject to an arbitration agreement. In dismissing a previous appeal for lack of jurisdiction as premature, the Court of Appeals in No. 13-2770 wrote: "His argument that this habeas case (or any issue in the case) is referable to arbitration is a nonstarter. Section 3 of Title 9, United States Code, requires the existence of 'an agreement in writing for such arbitration', and none exists in this case." Because no agreement in writing for arbitration "exists in this case," therefore, the request to stay the case [dkt 38] is baseless and is **denied**.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Jane Magnus-Stinson". The signature is written in a cursive style with a horizontal line underneath the name.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Date: 10/31/2013

Distribution:

William Oscar Harris
#40743-050
Terre Haute FCI
P.O. Box 33
Terre Haute, IN 47808

All electronically registered counsel